

1 lw-59

2 MS. LAVALLE: Again, I hope it is not in that
3 two, three, five year process. What we are hoping is that
4 we can come to agreement very, very quickly on what it is
5 the parties agree will be provided, for example, in the way
6 of unbundled network element OSSs.

7 What we see in the testimony so far in the
8 record, Commissioner Graves, is that Brooks has not yet got
9 to the point of taking advantage of any of these OSS
10 systems. AT&T has been negotiating with Southwestern Bell
11 for months about these Operational Support Systems. And I
12 think that it is critical that the parties come to an
13 agreement on a date by which this can be accomplished. And
14 I think that was - - there are implementation dates in the
15 arbitration order itself. And, as I have indicated, I don't
16 have any reason to believe, and there is certainly no
17 evidence in the record, that Southwestern Bell is in any
18 sense ahead of that schedule. We obviously would like those
19 to be in place before we get into a situation. We don't
20 really want them tested for the first time with real
21 customers. I think that could be a competitive disaster.

22 I want to cite just a couple of additional
23 issues on the competitive checklist, and to point you to
24 what kind of evidence was in the record, and to show again
25 that on a snapshot basis, on a long-term basis, on a
rolling-tape basis, Southwestern Bell has failed to satisfy

1 lw-60
2 the checklist. And you can't really get past the first
3 checklist item without coming to what I refer to as the
4 "Words You Hate to Hear." And in your packet there should
5 be a copy of the competitive checklist. And superimposed
6 over it in red are a set of terms that I refer to as, "The
7 Words That You Hate to Hear."

8 And on collocation to begin with, since that
9 is brought in through checklist item number 1 on
10 interconnection, we have the concern both that it is "Not
11 yet available," and that the "Prices are subject to change."
12 And I think we have made that point that Brooks Fiber has
13 that - - has identified that as an impediment to its ability
14 to offer facilities-based competition on any wider basis.

15 CHAIRMAN GRAVES: AT&T is not yet to the
16 point that you are ready to request collocation on anything?
17 Or have you requested and been denied?

18 MS. LAVALLE: The collocation at this point,
19 Your Honor, in Oklahoma is proceeding, as I understand it,
20 on an ICB basis. And what the Brooks - -

21 CHAIRMAN GRAVES: Which means?

22 MS. LAVALLE: I'm sorry. Individual case
23 basis. And the problems that have been brought to the
24 surface through that process by Brooks Fiber's reports
25 causes very great concern that what we need in the way of
collocation are definite commitments by Southwestern Bell to

1 lw-61 :
2 particular rates within some parameters and to particular
3 schedules. And we attempted to get that out of the
4 arbitration and at least as to this point have not been
5 successful in reaching an agreement with Southwestern Bell
6 on that particular point.

7 CHAIRMAN GRAVES: So it was an issue that was
8 not settled in the arbitration order?

9 MS. LAVALLE: The issue that was settled in
10 the arbitration order, Southwestern Bell took the position
11 it should be able to proceed on an individual case basis.

12 CHAIRMAN GRAVES: Right.

13 MS. LAVALLE: That is my understanding of
14 where the parties stand at this point.

15 CHAIRMAN GRAVES: And you disagree with that
16 interpretation?

17 MS. LAVALLE: I am concerned that if you
18 superimpose the commercial reality on to that decision, what
19 you have is Brooks Fiber with a good deal of stranded
20 investment out there waiting for the ability to collocate in
21 central offices and saying that we can't take advantage of
22 your unbundling of local loops if we can't collocate in the
23 central offices. So I think that this process - - And this
24 goes back to Joel Kline's remark that there are going to be
25 kinks in the process. There is a lot we are going to see
when there are actual requests made that none of us really

1 lw-62

2 could have predicted in the way of difficulties before you
3 actually have people coming in and making actual requests.
4 And what we have found, the development of the record to
5 date on collocation, is that I think there are serious
6 problems in proceeding on an ICB basis.

7 CHAIRMAN GRAVES: And so the point is that
8 AT&T is not yet to the point where you need collocation or
9 you have asked for it specifically?

10 MS. LAVALLE: We have asked for terms under
11 which collocation would be available.

12 CHAIRMAN GRAVES: Right.

13 MS. LAVALLE: I am not familiar, and I will
14 supplement the report on this point if I'm mistaken, I'm not
15 aware of AT&T having identified a particular central office,
16 but I could be mistaken on that point.

17 CHAIRMAN GRAVES: That is fine. That is all
18 right.

19 MS. LAVALLE: On this - - On going down the
20 competitive checklist, if I can move to checklist item
21 number 1, we have talked about OSS. That is one of the
22 unbundled network elements. I want to bring out another
23 problem that comes up, and this is one where the term you
24 will have to hear is "Out of Service." And that has to do
25 with Southwestern Bell's policy decision that it intends to
treat every offer for an unbundled network element as

1 lw-63

2 something they're calling a designed service.

3 That is really a critical issue. And I think
4 it is another example of failure to meet the competitive
5 checklist. The policy decision Southwestern Bell has made
6 is that it will treat plain-old telephone service as a
7 designed circuit, a designed service. What are the
8 ramifications of that? I think everyone in this room knows
9 what happens when you take the word design or designer and
10 put it in front of anything. And that is, it costs you more
11 and sometimes you fear you are paying just for the label.
12 I'm not going to go into the collection of concerns that are
13 raised by this policy decision by Southwestern Bell except
14 to tell the Commission what it means is that we will see
15 additional charges being imposed, and, critically, there
16 will be actual interruptions of service when a customer
17 changes from Southwestern Bell to a competitive local
18 exchange provider. Not might be, but will be interruptions
19 of service. And it is caused by that policy decision to
20 treat that order as a request for design service.
21 Southwestern Bell's response has been only that that is what
22 happens when a customer decides to change local carriers.

23 I want to move down to checklist item number
24 11 and talk about interim number portability, because there
25 were issues raised about that earlier, and because this
out-of-service issue comes up very dramatically.

1 lw-64

2 What we have found was in the evidence to
3 date, and this is evidence that was up-to-date as of April
4 15th, and we know of no subsequent development that causes
5 that information to be less than accurate, virtually all of
6 the customers that Brooks Fiber had made requests for
7 interim number portability on behalf of had experienced
8 failures, that they had in some instances hours of service
9 interruptions. And we are very, very concerned that this
10 sort of press or this sort of early information about what
11 it means to change local exchange carriers is going to put
12 new entrants at a competitive disadvantage. What we have
13 seen is that, I believe it is, 11 out of 12 customers have
14 all experienced this problem.

15 One thing we don't want to have to tell
16 customers is not only that you are going to have a service
17 outage, but that, really, the safer bet is just to change
18 your phone number. I think we would all agree that that is
19 not really a competitive option.

20 I wanted to point to - - And I point out also
21 that on that interim number portability issue, what we are
22 talking about is really a very few number of requests. And
23 it raises a very grave concern that if Southwestern Bell
24 cannot handle the small volume of requests, how will it
25 handle greater volumes?

Checklist item number 6 is local switching.

1 lw-65

2 And I want to mention just by way of example an issue that
3 is raised here, and one that comes up with other checklist
4 items as well, and this is where the reference to "batteries
5 not included" comes into play.

6 Southwestern Bell has taken the position that
7 when a new entrant pays for a feature, there is a feature
8 charge. In addition to the feature charge, Southwestern
9 Bell is now telling local entrants there will be a separate
10 feature activation charge. This is kind of like going to
11 the dealer to pick up the new Buick that you ordered, and
12 paid for, and bought, and you try to drive it off the lot
13 and you can't do it because you don't have any keys. And
14 what you find out is that at the Southwestern Bell
15 dealership keys are extra. If you want a set of keys to
16 start that car, you are going to have to pay an extra
17 charge. That is a theme that goes, frankly, throughout a
18 number of the checklist items. All of that is in AT&T's
19 testimony. I cite that single one only by way of example.

20 The last checklist item that I will refer to
21 specifically is checklist item number 4, unbundled loops. I
22 have already referred to the testimony that Brooks Fiber
23 gives us in terms of inaccessibility to those unbundled
24 loops because of collocation problems. There are other
25 problems as well. Southwestern Bell reserves the right to
itself to come back within 48 hours of a request for an

1 lw-66

2 unbundled local loop and tell a new entrant making that
3 request that that loop is not available. And this really
4 gets us into "not yet available in all areas." That really
5 creates a competitively unimaginable situation of having to
6 struggle to win over a new customer and finding that you
7 have to go back to that customer and tell them that in fact
8 it is not going to be available.

9 That is a very, very quick review. There
10 obviously were many other examples in the record as well
11 where we have concerns about the competitive checklist. I
12 jumped on to the competitive checklist and mentioned in
13 passing also that separate requirement that facilities-based
14 competitor and just wanted to point the Commission to what's
15 in the record on whether or not that requirement has been
16 met in terms of whether or not Southwestern Bell has made it
17 possible for Brooks Fiber to offer facilities-based service
18 to residential customers.

19 And I would just refer you, if you are
20 interested in reading it, to page 63 of the transcript in
21 which Mr. Cadieux took the stand and was cross examined both
22 by the Assistant Attorney General and by Southwestern Bell
23 and said, quote, "First of all, Brooks does not serve, has
24 not, does not, has not at any time, served residential
25 customers over its own facilities in Oklahoma, period." I
don't think the record could be any clearer on that

1 lw-67
2 particular point.

3 When will we know that it is closer to
4 dinnertime than it is breakfast? And when will we think
5 that that request for dessert is one that requires more
6 comprehensive consideration in the way of going through the
7 checklist and giving a report as to each and every one of
8 those items? Well, there are a couple of signs that we will
9 be looking for. One is signs that Southwestern Bell wants
10 AT&T's business. I think the impression that not just AT&T
11 but other new entrants have as well is that Southwestern
12 Bell is at least at this point strongly ambivalent about
13 having our business. And again, that is not just the
14 reaction of AT&T. Southwestern Bell picked a product
15 spokesperson, a poster child, if you will, in the form of
16 Brooks Fiber. And there has been a great deal of attention
17 in this proceeding to Brooks Fiber. And I think what is
18 clear is that Southwestern Bell has not yet been able to
19 make Brooks Fiber happy. It can't deliver on the small
20 volume of requests that it has received. If Southwestern
21 Bell's chosen spokesperson is against the cause or is unable
22 in good conscience to give it a ringing endorsement, we
23 would suggest to this Commission that something is really
24 very fundamentally wrong with Southwestern Bell's 271
25 application.

 The last point that I would make, and this

1 lw-68

2 goes back to the public interest issue that was raised by
3 Southwestern Bell, Southwestern Bell mentions that, gee, we
4 will see an increase of jobs if Southwestern Bell is
5 permitted into long distance. My immediate reaction on that
6 point in terms of the locations of those job is why is it
7 that the Staff is invited to St. Louis to see that OSS
8 demonstration. But I think the larger issue is, if there is
9 a promise of jobs and economic growth when Southwestern Bell
10 is permitted into the long distance market, we would just
11 ask the Commission to consider how much exponentially
12 greater those figures could be in the sense of real economic
13 promise if all that can be achieved or harvested out of the
14 Federal Act in the way of making sure that facilities-based
15 competition has a strong hold in Oklahoma is permitted to
16 take place before Southwestern Bell is given a positive
17 recommendation by this Commission.

18 AT&T respectfully suggests the Commission
19 advise the FCC that this Commission recommends against a
20 determination that Southwestern Bell has satisfied the
21 requirements of Section 271.

22 VICE CHAIRMAN ANTHONY: Could you make a
23 summary statement as to your position relative to the ALJ's
24 position? Do you seek for his report to be upheld?

25 MS. LAVALLE: Yes, we do. We seek affirmance
of the ALJ's report. To the extent that there are any

1 lw-69

2 clauses within that report or sub-sections of sentences that
3 we might have a different view of where we come out in terms
4 of AT&T's position on the ALJ's report is that we ask for
5 the Commission to affirm it.

6 VICE CHAIRMAN ANTHONY: Mr. Toppins, if I
7 heard correctly, may have indicated that there possibly
8 could be some non-compliance with some of the fourteen
9 points since the last evidentiary hearing, and that a cure
10 could be done, and the Staff could look at it in the next
11 few days.

12 I wanted you to respond to his representation
13 of that situation.

14 MS. LAVALLE: All that I recall hearing was
15 that they said that they had gotten a couple of phone calls,
16 two phone calls I think they said, saying, great, this
17 cut-over on some INP request worked this time. I believe
18 that is the only representation about anything that had
19 changed at all since - -

20 VICE CHAIRMAN ANTHONY: What I'm trying to
21 get at is, if I heard you correctly, you were saying there
22 are some things that are so far out of compliance that
23 anything you did in the next week wouldn't make the list
24 come into compliance. I don't want to put words in your
25 mouth, but - -

MS. LAVALLE: Right.

1 lw-70

2 VICE CHAIRMAN ANTHONY: But I was hearing you
3 say something different than Mr. Toppins and I wanted you to
4 try and elaborate on that or reconcile that.

5 MS. LAVALLE: And I think that the point to
6 drive home here is that a week's difference can't possibly
7 make a change. And in the process, the deficiencies in the
8 process for collocation that we have noted, the
9 unavailability of the unbundled loop, the inability to have
10 confidence in what we have seen in the way of OSS
11 development, really I don't see how you can address any of
12 those issues in a week's time. You can do a whole lot more
13 in the way of arguing.

14 But our point again is that anything that
15 Southwestern Bell had to say in terms of how it had complied
16 with the competitive checklist, surely it has had every
17 opportunity to do that in accordance with and in compliance
18 with, and within the structures of the procedural schedule
19 that this Commission adopted precisely for that sort of
20 investigation. I don't think that Southwestern Bell is in a
21 position today fairly to tell the Commission that it has not
22 had an opportunity to convince this Commission that it has
23 satisfied the requirements of Section 271. And making this
24 offer again of being willing to work overtime in the final
25 stretch just leaves me the feeling of feeling very insecure
that the Commission is being rushed, before the dust has

1 lw-71

2 settled, and with evidence only so far of either inability
3 or lack of complete facts to show that they have the
4 capability as to these specific competitive checklist
5 requirements.

6 So I would be very concerned at any last
7 minute attempt to lobby the Commission to suggest that it
8 shouldn't pay attention to the factual development that took
9 place, it should instead listen to promotions by
10 Southwestern Bell suggesting and putting emphasis on what it
11 thinks it has done so far.

12 I hate to say this, but the perspective of
13 the Act really requires interested parties like AT&T and
14 others to call this Commission's attention to what is not
15 there. Southwestern Bell can say, well, look what we have
16 done here, look how much money we have spent on this
17 particular system and whatever, and this Commission still
18 has to, because of the way the competitive checklist is set
19 up, and because of failure on any one of these fourteen
20 points is fatal to that 271 application, this Commission is
21 required to look at where are the deficiencies, where are
22 the failings. And I would suggest to you that that
23 information is best communicated to this Commission through
24 interested parties who have actually made those requests,
25 interested parties, for example, Brooks Fiber. Taking the
incumbent local exchange carrier's word for it that it will

1 lw-72

2 be able to provide these issues is very dangerous when you
3 have actually had requests and the requesting party has very
4 concrete proof to point to to suggest that it cannot obtain
5 satisfactory response to those requests.

6 CHAIRMAN GRAVES: Anything further?

7 MS. LAVALLE: Thank you.

8 CHAIRMAN GRAVES: Thank you. Ms.
9 Jenkins.

10 VICE CHAIRMAN APPLE: Lynette, how are you
11 doing?

12 MR. RATCLIFFE: Your Honor, would it be
13 possible for you to hear public testimony at this time so we
14 may be released?

15 CHAIRMAN GRAVES: Well, we wanted you to
16 enjoy fully the public policy benefits of our job. And we
17 will be happy to do that. Public comment is not technically
18 a part of the record. And I certainly don't mind
19 accommodating those folks who wish to make public comment.
20 The general presumption is is that public commenters are not
21 as well prepared or as lengthy as Counsel for interested
22 parties. Commissioners generally don't ask you questions in
23 that kind of process. So to that extent, Mr. Ratcliffe, if
24 you have a conflict, please, feel free to come on in.

25 MR. RATCLIFFE: Thank you, Your Honor.

CHAIRMAN GRAVES: And we will go off the

1 lw-73
2 record for evidentiary purposes and go into the public
3 comment record and allow Mr..Ratcliffe to make his
4 statement.

5 (Whereupon, Public Comment was had.)

6 CHAIRMAN GRAVES: And I might ask at this
7 point, Ms. Powell, is she still here? Ms. Powell, and Ms.
8 Duff, if you all would like to do this at this point, we
9 would be certainly happy to accommodate you.

10 MS. POWELL: That would be wonderful.

11 CHAIRMAN GRAVES: Okay.

12 MR. RATCLIFFE: I certainly appreciate you
13 allowing this exception. And I thank you very much for your
14 work on our behalf, the state's citizens. And thank you for
15 the tremendous opportunity to hear such dialogue carried on
16 in behalf of the justice of this issue.

17 CHAIRMAN GRAVES: Now we are beginning to
18 worry that you don't get out enough.

19 MR. RATCLIFFE: I'm Richard Ratcliffe from
20 Weatherford. And I have a retail business with my family in
21 Weatherford and Clinton, as well as Oklahoma City and
22 Norman, and for 45 years in Lawton. The comments for this
23 meeting represent both my family business particularly, they
24 were in Oklahoma for more than 70 years, and also my
25 participation in the Weatherford Chamber of Commerce as
past president and member for many years, the State Chamber,

1 lw-74

2 as a past chairman of that organization and member for many
3 years, and now recently as a U.S. Chamber member in
4 Washington and a member of their Board of Directors. And
5 primarily, as a small business advocate, my responsibility
6 is to bring our message collectively to the table. And I
7 request that you grant Southwestern Bell this petition.

8 The first testimony I want to give is about
9 the community participation that we need from Southwestern
10 Bell as our local and, additionally, our long distance
11 provider. Our smaller communities depend on the people, the
12 people, of Southwestern Bell for not only our state phone
13 service, but also their cooperation in our corporate
14 leadership, in our industrial development plans in the
15 various cities I mentioned, our city-wide activities.
16 Southwestern Bell members and employees take great part in
17 that. But, most important, their continued support in our
18 Arts and Education programs around the state. From that, I
19 want you to understand that I think Southwestern Bell is a
20 great, great corporate citizen.

21 Second, our smaller communities depend on
22 Southwestern Bell to provide constant access to the world on
23 our personal and business communication devices. But to
24 have access, Ratcliffe's particularly, must subscribe to
25 several, always more than one, of the vendors or carriers in
the long distance service business. And I ask you to

1 lw-75

2 approve Southwestern Bell's request to allow Ratcliffe's, if
3 not more, to have one and only one provider for local and
4 long distance service that we expect as a natural series of
5 events. We want to limit the number of providers we work
6 with. We want one bill for our phone services. And
7 Ratcliffe's wants to select that one provider.

8 Competition is good. We're a small business
9 man. We are in competition every day. We understand it.
10 We think that the Commission has done a marvelous job in
11 deregulation and understanding competition in the past. So
12 I know that that is where you really dwell is in the
13 competition area. And I think personally that Southwestern
14 Bell's presence in that arena would enhance marketplace
15 competition for a small business.

16 We need a long distance service company that
17 serves rural customers. And I, as you can tell from my
18 description, am a rural-type businessman. We have - -
19 Southwestern Bell, we know, understands customers in those
20 rural areas. And those are what I would call traditional
21 business areas. They have involvement with their
22 community. Southwestern Bell has representatives living in
23 our communities, and they know us and we know them. We know
24 lots of Southwestern Bell employees.

25 This process we have witnessed here is a
magnificent process. And it is a little strange to a small

1 lw-76

2 businessman, I must admit. We make decisions on a
3 minute-by-minute basis where this process, I see, is
4 involved and much more involved than our direct approach.
5 So I think that it is an opportunity for me to see the other
6 side and not the quick response that we normally have as
7 small business people.

8 We in Weatherford do not have a Yellow Page
9 section listing private telephone repair service, or many of
10 the other repair services, or many of the other telephone
11 services for that matter. I looked yesterday. We need to
12 count on our local provider for many of the services that we
13 have out there. Southwestern Bell happens to be my
14 provider. Southwestern Bell happens to have given me good
15 service for many, many years. Southwestern Bell happens to
16 be one of the providers that I count on to run my business.
17 And without them - - Really there is two things I need; my
18 telephone and my power company. Either one of those, I'm
19 not looking particularly for price, but I will select from
20 price. But I am looking for the guy that is there, because
21 I have got to have that phone all the time, every day.

22 I think that it is fair for me to say that if
23 Southwestern Bell can handle my local phone service, they
24 can certainly handle my long distance service, too. And I
25 understand that that may not be all the implementations that
we have here.

1 lw-77

2 In conclusion, and as a small businessman
3 again, and as a citizen of Oklahoma, I advocate that
4 Southwestern Bell be allowed to compete in the long distance
5 market. Southwestern Bell can successfully compete from my
6 perspective. It will provide advantages for all small
7 business everywhere in Oklahoma. They are good citizens of
8 our state. And really, I think the key point of my talk is
9 they have supported Weatherford, me, Clinton, Oklahoma City,
10 Norman, and I just certainly think it is time for me now to
11 support them. I just really feel sincerely that, my gosh,
12 they have been good. And I want that to come across as my
13 message.

14 Well, I appreciate you very much allowing me
15 to step into the arena, and thank you for allowing us to go
16 ahead of the regular agenda. Thank you.

17 CHAIRMAN GRAVES: Yes, sir. Thank you.

18 VICE CHAIRMAN ANTHONY: Richard, I appreciate
19 you being here. I have served on the State Chamber Board
20 and have known you otherwise through the community events.

21 And I would like to ask a standard question I
22 have for people who serve in your capacity.

23 Was there a company or some party to this
24 case who asked you to make these comments?

25 MR. RATCLIFFE: Well, there - - Actually,
the answer to that, Commissioner, is that I have volunteered

1 lw-78

2 to make those comments. And David Arbuckle from

3 Southwestern said that the hearing was today, would I make a
4 comment. So I volunteered. Yes, I was asked. And I think
5 that's a fair answer. Anything else?

6 VICE CHAIRMAN ANTHONY: Thank you.

7 MR. RATCLIFFE: Thank you very much.

8 CHAIRMAN GRAVES: Ms. Powell.

9 VICE CHAIRMAN ANTHONY: I would like to make
10 a comment that is addressed to the attorneys in the room.
11 And I will just make the comment and let it be left at that
12 point.

13 If you review the opinions which I had
14 attached to the recent OG&E case, you will find that I feel
15 it is a violation of the Code of Professional Conduct for
16 attorneys to have knowledge of their companies arranging or
17 orchestrating letter writing or other campaigns which have
18 the purpose of influencing the opinion of the bench. Now
19 you can read the Code of Professional Conduct on your own as
20 set forth as it applies in Oklahoma. And you are welcome to
21 continue.

22 CHAIRMAN GRAVES: And just so that we can
23 muddy the water further, let me remind folks that the public
24 comment file is not evidentiary in nature and cannot be
25 relied upon by the bench in making decisions, particularly
in judicial proceedings. We have historically allowed

1 lw-79

2 public comment in public utility rate cases generally
3 because ratepayers are affected. And we have always
4 provided them the opportunity to come and participate. And
5 that is one of the unique elements of utility ratemaking, I
6 think, that inures to the benefit of all participants, and
7 that is the fact that parties can come and share with us
8 their private individual feelings. But the fact remains
9 that we can't rely on public comment as a basis for our
10 decisions. So I guess you can say there is a disagreement
11 at the bench.

12 Ms. Powell.

13 MS. POWELL: Thank you, gentlemen. Today has
14 been very interesting, to say the least. This is the first
15 time I have had the opportunity to witness this kind of
16 activity.

17 COMMISSIONER APPLE: We are glad you are
18 here.

19 MS. POWELL: And I believe that I think I
20 have a better understanding for the decisions that come out
21 of this area than I have in the past.

22 CHAIRMAN GRAVES: We hope that is a better
23 understanding or a good understanding.

24 THE COURT REPORTER: Could I have her name?

25 CHAIRMAN GRAVES: Powell.

THE COURT REPORTER: The first name.

1 lw-80

2 CHAIRMAN GRAVES: Jan Powell. I'm sorry. We
3 had said it earlier.

4 MS. POWELL: Jan. I'm sorry. I am here
5 representing Francis-Tuttle Vo-Tech. We are an area
6 Vocational Technical School here in the Oklahoma City
7 metropolitan area that provides training opportunities for
8 high school and adult students in twenty-eight program
9 areas, and we also do short term programing for over 20,000
10 students a year.

11 We use a variety of Southwestern Bell
12 services. And one service that we do use is Asynchronous
13 Transfer Mode, or ATM, for our distance learning interactive
14 television network. Our networks can serve up to 11,000
15 students a year. Basically our monthly line charges for our
16 ATM network run about \$40,000 a month.

17 Our concern with regard to Southwestern
18 Bell's provision for long distance services has to do with
19 the ripple effect that occurs because a company isn't
20 allowed to play on a level field with other exchange
21 carriers. Because other companies have dial tone for local
22 services, they will have what we regard as an unfair
23 advantage in being able to provide not only long distance
24 service for customers, but local dial access as well. This
25 means that Bell will not be allowed to compete in the
lucrative long distance line service arena which could be

1 lw-81

2 used to help defray costs for services such as our ATM
3 service. Our system line charges are more than comparably
4 equipped networks in other states whose tele codes are
5 enjoying wide latitude in all aspects of
6 telecommunications.

7 The FCC's recent decision to deregulate many
8 parts of the telecommunication industry's infrastructure is
9 reflective of the fact that as digital technologies converge
10 the demarcations between traditional phone services and
11 digital services are becoming very blurred. Cable
12 television companies are becoming phone companies, phone
13 companies are becoming cable television companies. Because
14 the national trend is toward competition in all
15 telecommunication areas, Southwestern Bell, we feel, must be
16 allowed to compete on the same basis as other companies. It
17 is our view that such competition will ultimately serve the
18 people of Oklahoma. And that's all. Thank you.

19 CHAIRMAN GRAVES: Thank you, Ms. Powell.

20 . Marilyn Duff. And after Ms. Duff, we will take a brief
21 recess. And then Ms. Jenkins will be next up.

22 MS. DUFF: Thank you, Commissioners. And I
23 am Marilyn Duff. And I have had the privilege of being here
24 before at the Commission, and always appreciate that
25 privilege to come.

I could probably second what the previous

1 11-82

2 ones have stated, so I will speak more basically and say
3 that - - probably more selfishly, too, because let me say
4 that I chose to come and make a presentation because our
5 community of Cushing, I am from Cushing, and our community
6 has made presentations before, as you are all aware, we feel
7 like we are not on a level playing field. And that is where
8 we would like to be. We have made those presentations from
9 a community. And I have been involved. I have been highly
10 involved within the community. And I also serve in another
11 capacity. I work with the voluntary board in Drumright,
12 which is the Central Oklahoma Business and Job Development
13 Corporation, which is affiliated with Central-Tech and I
14 recruit start-up businesses into an incubator program.

15 We service seventeen communities. And not
16 all of those communities are in a wide-area calling program,
17 which Drumright is, and various ones within the five
18 communities that those seventeen communities are involved.
19 Cushing, Ripley and Yale are three communities within Payne
20 County that are not within a wide area. We kind of sit in
21 the middle and get left out of a lot of the benefits at this
22 point.

23 So that's the reason I'm saying I'm selfishly
24 coming to make a presentation. Once I knew that
25 Southwestern Bell had made this proposal to the Commission,
I feel that Southwestern Bell should be allowed approval to

1 lw-83

2 get into the competition. I feel that the more competition
3 is there, the better options, and presentations, and
4 packages, I guess you would say, the better options and
5 packages that can be presented to our areas.

6 Now, I realize that there are various steps
7 that the Commissioners have to go through in determining
8 what is right and in determining when they can make these
9 decisions. Probably at this point there would be no way to
10 determine if a wide-area application could be looked upon at
11 this point. I feel like maybe this is one of the steps that
12 is leading toward seeing if we actually need wide-area
13 applications. We may find that if competition is out there,
14 we may find that we are presented options that allows us to
15 be on that level playing field with the other communities
16 and perhaps we won't need to make that application. I don't
17 want to shut the door to applications at this point, but we
18 may find that this is another step that leads to us seeing
19 that we do not have to make that application.

20 I am not clear if the LATA lines are going to
21 be removed. I don't know that it matters at this point,
22 because obviously Southwestern Bell would be able to present
23 to us good options and packages from 918 to 405, or between
24 both of them at that point. And if we do see that it does
25 not put us on that level playing field, we might make that
application into another area. If Southwestern Bell has had